

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHAD RUDOLPHO ANGLE,

No. C 07-250 SI

Plaintiff,

**ORDER DENYING REQUEST FOR
POSTPONEMENT**

v.

ALAMEDA COUNTY
MEDICAL CENTER; et al.,

Defendants.

Plaintiff has requested that this action be postponed because he is currently being involuntarily medicated and feels he is "only functioning at about 60% of [his] capabilities." June 2, 2008 Angle letter (docket # 93.) Defendants have opposed the request, noting that this action has been characterized by repeated delays. The court agrees with defendants.

This action was originally filed in state court in October 2006, and was removed to federal court in January 2007. Thereafter, a lengthy delay occurred to accommodate the efforts of plaintiff and his father to find an attorney to represent plaintiff. See Scheduling Order, pp. 1-3 (docket # 60). Further delay followed as plaintiff resisted defendants' discovery efforts (i.e., to depose plaintiff and subpoena his records) with some fairly questionable objections. The court also waited more than six months for plaintiff to oppose a dispositive motion filed by the medical care defendants. About nine months ago, the court was concerned that, "although the docket sheet reflects considerable activity, very little progress toward resolution of this action has been made." Scheduling Order, p. 1 (docket # 60). That concern has not much abated, although some progress has been made toward the resolution of this action.

1 In addition to the history of delays in this action, the court also considers the reason for
2 the particular postponement plaintiff now requests. He reports that his state court-ordered
3 antipsychotic medications impair his ability to focus, concentrate, and think clearly about
4 matters. Plaintiff does not state how long he will be medicated or how long he will be
5 incarcerated – he has only informed the court that he is in custody as a mentally disordered
6 offender with a long history of mental illness. See Complaint, ¶ 11 ("Plaintiff has bipolar
7 disorder with frequent psychotic episodes" and "requires regular doses of medication to control
8 his symptoms, including violent psychotic episodes.") His medicated condition and impaired
9 thinking could last for months or years. Against this potentially long-term delay, the court must
10 balance the defendants' interest in having the claims against them resolved rather than looming
11 indefinitely.

12 Upon due consideration of the matter, the court DENIES the request for a postponement.
13 (Docket # 93.) In order to provide some accommodation while also moving this action toward
14 resolution, the court will allow for a lengthy briefing schedule on defendants' dispositive motion,
15 and give plaintiff two months to prepare his response to the dispositive motion, which is about
16 four times as long as is normally allotted for an opposition in a regular civil action and twice as
17 long as is normally allotted for an opposition in an unrepresented prisoner case. That will allow
18 him ample time to prepare his opposition to the dispositive motion. Accordingly, the court now
19 sets the following new briefing schedule on the dispositive motions:


20 a. No later than **August 1, 2008**, defendants must file and serve a motion for
21 summary judgment or other dispositive motion.

22 b. Plaintiff's opposition to the summary judgment or other dispositive motion
23 must be filed with the court and served upon defendants no later than **October 3, 2008**.

24 c. If defendants wish to file a reply brief, the reply brief must be filed and
25 served no later than **October 24, 2008**.

26 IT IS SO ORDERED.

27 Dated: June 30, 2008

28 

SUSAN ILLSTON
United States District Judge